

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 102 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

HECTOR CYRIL CHRISTIE

Versus

UNION OF INDIA DELETED

Appearance:

None present for Petitioner
DELETED for Respondent No. 1
MS HARSHA DEVANI for Respondent No. 2 to 4
MR HS MUNSHAW for Respondent No. 5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/03/2000

ORAL JUDGEMENT

1. The matter was called out for hearing in first
round in first sitting then in the second and third round
in second sitting but none present for the petitioner.

Perused the civil revision application and heard the learned counsel for the respondents.

2. An affidavit of R.S. Patel, Chief Personnel Officer, Commissioner of Health, Medical & Medical Services (Health Section), Gandhinagar filed in pursuance of the order of this court dated 18-1-1997 is also perused. I find that there was sufficient cause for delay in filing of the written statement in the suit filed by the respondents. Learned court below has not committed any illegality much less a material irregularity in exercise of its jurisdiction in condoning the delay in filing of the written statement and the respondents are permitted to file the written statement. Otherwise also, I fail to see how any failure of justice will result in case the impugned order is maintained. The matters are to be decided on merits. It is a matter of the State of Gujarat which is impersonal and if there is some laxity on the part of the officer without there being any oblique motive or malafide, the same should not have been taken to be a ground to close their defence. Learned court below has taken a just and reasonable approach in the matter which is in consonance with the principles of natural justice and fair play to which no exception can be made.

3. In the result, this civil revision application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. However, in the facts of this case, no order as to costs.

zgs/-